

GOVERNOR'S OFFICE FOR CHILDREN, YOUTH, AND FAMILIES
DIVISION FOR CHILDREN

ARIZONA JUVENILE JUSTICE COMMISSION

Plan for Compliance Monitoring

Introduction

Arizona has consistently sought to develop and refine its compliance monitoring process. In early 2001, changes in the staff of the Governor's Division for Children provided an opportunity to carefully examine the compliance monitoring process and pursue opportunities for additional enhancement. This process included:

- 1) Assessment of current status
- 2) Review of the Compliance Monitoring Universe (CMU)
- 3) Reporting process renovation
- 4) Classification and training
- 5) Implementation and ongoing evaluation

Assessment of the Current Status

To enable Arizona to accurately demonstrate compliance, intensive technical assistance was necessary throughout the State in the following areas:

- Ensuring all appropriate facilities within the state are included in the CMU;
- Educating agencies in the CMU and their communities about compliance with the four core requirements of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 and how to maintain compliance;
- Assessing and notifying agencies of the appropriate classification;
- Reviewing tracking processes across the State, and initiation/revision of the process (as necessary) to ensure all data required to demonstrate compliance was collected;
- Revising all Governor's Division for Children reporting forms and providing training to communities on accurate completion and submission;
- Training regarding terminology used in the JJDP Act and its core requirements, as well as how the rules apply to specific facilities; and,
- Providing technical assistance that is community/agency specific.

These activities, targeting approximately 160 secure law enforcement and juvenile detention facilities around the state, as well as the same number of non-secure facilities that are included in the CMU, have been crucial in accurately identifying the compliance issues within each community and developing strategies for best addressing them.

Review of the Compliance Monitoring Universe

The Governor's Division for Children maintains a database that contains information about all entities that fall under the CMU. At the initiation of the enhancement process, a comprehensive review of the existing CMU was conducted. As a result of this effort, *the number of facilities within the CMU doubled.*

The number of facilities included in the compliance monitoring universe continues to expand dramatically, paralleling state growth. This growth necessitates continual assessment of new facilities, (including shopping centers, municipal airports, community and state colleges, sporting complexes, etc.) which are included in the CMU.

A comprehensive review of the facilities in the CMU (such as adult jails and lockups, secure and non-secure shelters, foster care, group homes, juvenile residential treatment facilities, and juvenile detention and correctional facilities) is conducted on an annual basis. The review is based on information received from agencies such as the Arizona Criminal Justice Commission, the Department of Health Services, the Department of Economic Security, the Administrative Office of the Courts, the Arizona Department of Juvenile Corrections, and information received while conducting site visits.

Reporting Process Renovation

The compliance reporting forms previously in use were reviewed and revised to capture all necessary compliance data. Phone contact was made and letters were sent to all agencies within the CMU describing the JJDP Act, its core requirements, requesting a response regarding facility classification, and describing the reporting process. The revision of the reporting forms has streamlined the process, and an instruction sheet for its use has been developed and disseminated. In addition, continual phone and in-person technical assistance regarding the reporting process is provided. As a result, as agencies more fully understand expectations and the necessity of reporting accurate and complete data, increased collaboration and cooperation in addressing compliance issues has resulted.

Examples of changes to the data review process that have had a significant impact on the number of violations reported (specifically in reference to DSO) includes incorporating the review of the following charges:

- Minor in possession of alcohol;
- Violations of probation;
- Warrants;
- Federal Wards; and,
- Courtesy holds for Native American reservations.

For purposes of data collection and verification, each secure jail and lockup that may temporarily detain juveniles, as well as all juvenile detention centers, are required to complete a monthly reporting form and submit it to the Governor's Division for Children. Accompanying the form is a copy of the tracking documents/reports, so data may be verified on a continual basis. Facilities that have been determined to be exempt from regular reporting (either by their non-secure status or policies prohibiting temporary detention of juveniles) must submit an annual certification to confirm their exempt status.

Since the initiation of the enhanced reporting process, the number of facilities reporting compliance data increased significantly. ***The number of adult jails and lockups reporting rose from 27% in FY2000 to over 95% in FY2001 and almost 98% in FY2002; the number of juvenile detention centers reporting went from 64% to 100% and remains there through the FY2002 reporting year.***

Classification and Training

In addition to phone and letter contacts to all agencies included in the CMU, site visits were also made to each law enforcement agency and its substation facilities, as well as every county juvenile detention center. *As a result of this effort, the number of site visits to secure facilities during the 2001 reporting year more than doubled from previous years.* In addition, site visits to juvenile detention facilities increased 40% from the 2001 reporting year, as 100% of facilities were visited; visits to adult jails increased 18% from 2001 to 2002 (65% visited); an increase of 25% was also seen in site visits to adult jails and lockups between the 2001 and 2002 years, with 97% of the facilities receiving a site visit. It should be noted that 60 of the 75 non-secure facilities in the Compliance Monitoring Universe (80%) also received site visits during the 2002 reporting year.

With the completion of these site visits in the 2002 reporting year, all law enforcement agencies currently in the Compliance Monitoring Universe have received site visits and been advised of their reporting requirements since the initiation of the enhanced compliance monitoring process in early 2001.

By ensuring each agency received a visit, the following goals were achieved:

- Correct classification was verified;
- Appropriate reporting methods were initiated;
- Agency-specific technical assistance regarding compliance with the JJDP Act core requirements was provided on-site;
- General discussion took place regarding juvenile issues in the community and the funding opportunities made available through compliance with the JJDP Act; and,

- A comprehensive written report was submitted to each facility after the initial visit to provide a written reference guide for temporary detention of juveniles in their facility in order to maintain compliance with the core requirements.

Implementation and Ongoing Evaluation

A substantial number of facilities within each classification (jail, lockup, detention center, non-secure, etc.) are monitored each year to ensure continued correct classification and for compliance with DSO, separation, and jail removal. As demonstrated above, the number of site visits conducted within each classification now far exceeds the 10% requirement established by OJJDP.

A manual detailing compliance monitoring activities in Arizona has been developed. This guide is a supplement to the OJJDP's *Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended*. Arizona's manual outlines specific activities regarding various compliance monitoring tasks, such as data collection and extraction of violations, ensuring the compliance monitoring universe is up to date, site visit mandates, etc. As the compliance monitoring process is enhanced and developed in Arizona, the manual is updated to reflect the improved procedures.

As a result of the compliance monitoring enhancement process, a number of positive results have been achieved:

- Excellent relationships have been developed with facilities that fall under the CMU;
- Many local law enforcement agencies have revised or implemented department policies and procedures that either reference the JJDP Act or are in accordance with its core requirements; and,
- Facilities have been very cooperative in developing/enhancing adequate record-keeping systems regarding juveniles temporarily held in the facility.

Description of Monitoring Tasks

The Governor's Division for Children performs all tasks related to compliance monitoring under the JJDP Act. The following table outlines a general timetable for some general compliance monitoring activities:

February	Review the policy and procedure manual, make revisions (if needed), finalize, and place revisions in the policy and procedure manual.
March - April	Review all entities in the Compliance Monitoring Universe database and update, if necessary. Review activities include obtaining the annual Arizona Criminal Justice Commission (ACJC) Directory, contacting appropriate State agencies for facility and contact information. Any necessary additions, modifications, or deletions will be made.
September	Review all reporting forms and make any necessary revisions.
October	Send out revised reporting forms (if applicable); send annual certification forms to appropriate agencies.
July – June	Conduct mandatory site visits and provide technical assistance; collect, review, enter, and file data collection regarding compliance/violations. Conduct any necessary follow up.
July-June	Provide regular compliance updates to the Compliance/Legislative subcommittee of the Arizona Juvenile Justice Commission.
July – December	Complete data collection activities and begin analysis for compilation of the annual report to OJJDP. The annual report will be finalized and submitted to OJJDP before December 31.

The JJDP Act, Section 223(a)(15), provides that each state must have an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the core requirements are met.

Four major areas that must be included in compliance monitoring activities are:

- Identification of the monitoring universe;
- Classification of facilities;
- Inspection of facilities; and,
- Data collection and verification.

The following sections describe the processes Arizona utilizes for meeting these mandates.

Identification of the Monitoring Universe

The Compliance Monitoring Universe (CMU) is maintained in a Microsoft Access database in the Governor's Division for Children. Substantive changes or revisions to the structural format of the database are coordinated with the database manager. The Governor's Division for Children will conduct all other database maintenance and data entry activities. These activities include an annual update to the master list of the monitoring universe for the purpose of inclusion or exclusion of facilities pursuant to the OJJDP rules and regulations.

The CMU includes all jails, lockups, detention centers, juvenile correction facilities, halfway houses, group homes, foster homes, and any other secure or non-secure public and private facilities in which juveniles might be detained or placed. Depending on the scope of the

jurisdiction and authority of the juvenile court, the list may include private mental health facilities, chemical dependency programs, and detoxification centers.

During March-April of each year, the CMU is reviewed and updated. The following departments are entities that may be used as resources to verify all appropriate agencies are in the database:

Entity	Information	Contact	Web Address
Administrative Office of the Courts	Juvenile Detention Facilities	Lynn Wiletsky (602) 542-9309 lwiletsky@supreme.sp.state.az.us	http://www.supreme.state.az.us
Arizona Criminal Justice Commission	All Criminal Justice Agencies	(602) 230-0252 Fax: (602) 728-0752 acjc@acjc.state.az.us	http://www.acjc.state.az.us
Arizona Association of Chiefs of Police	Municipal Jails and Lockups	David Dobrotka, President Fax (602) 223-2917	http://www.azpolicejobs.com/index.htm
Arizona Department of Juvenile Corrections	Juvenile Correctional Facilities	Pat Erickson (602) 542-4012 PatEr@dj.state.az.us	http://www.juvenile.state.az.us/public/default.htm
Arizona Department of Health Services	Behavioral Health Facilities, Juvenile Group Homes	Assurance and Licensure Office (602) 542-1001	http://www.hs.state.az.us/als/databases/index.htm
Arizona Department of Economic Security	Foster Homes, Shelter Facilities	Office of Licensing, Cert & Reg Michelle Trca (602) 495-1308 x7424 michelle.trca@mail.de.state.az.us	http://www.de.state.az.us

Classification of Facilities

After verification that all appropriate agencies and facilities are listed in the CMU, the next step is to classify them to determine which facilities require regular monitoring for compliance with the JJDP Act regulations. The classification process will determine which facilities are secure detention or correctional facilities, adult correctional institutions, jails, lockups, or other types of secure or nonsecure facilities.

There are four categories used to determine classification of each facility:

- public or private
- juvenile facility, adult facility, or both
- secure or nonsecure
- residential or non-residential

The CMU also currently contains 15 categories to clarify facility classification:

- | | |
|---|---------------------------|
| 1. County jail | 8. Airport |
| 2. Municipal lockup | 9. Sporting complex |
| 3. Specialized treatment facility | 10. College/university |
| 4. Psychiatric facility | 11. Native American |
| 5. Alternative/temporary holding facility | 12. Other |
| 6. Court holding | 13. Correctional facility |
| 7. Regional mall | 14. Detention center |
| | 15. Juvenile Group Home |

Although there are numerous classification categories, a facility may only be in one category. For example, a shopping mall that contains a holding cell area that may temporarily hold both juveniles and adults must be classified in the municipal lockup category rather than shopping mall. Shopping malls that do not contain any type of secure holding area may be in the shopping mall category.

Correct facility classification is extremely important, as this classification determines the appropriate reporting necessary for the facility. Regular contact and site visits to facilities are utilized as the most accurate way to ensure correct classification is maintained. Often times agencies move into new facilities, modifications are made to existing facilities, or miscommunication about what classifies a facility in a certain category takes place; regular communication and site visits minimize the frequency of misclassification.

Inspection of Facilities

Inspection of facilities is necessary to ensure the following:

- the facility is classified accurately;
- review the record keeping system and ensure that adequate data are maintained to determine compliance with the core requirements;
- discuss procedure for reviewing juvenile detention data and how to complete the monthly report;
- build and maintain relationships with community establishments to facilitate continuous education about the JJDP Act regulations; and,
- discuss juvenile issues in the community.

OJJDP requires that 10% of each classification that exists within the authority of the Compliance Monitor must be inspected (i.e. jails, lockups, juvenile detention centers, juvenile correctional facilities, etc.)

The Governor's Division for Children has set as a minimum standard a goal of monitoring, through on-site visits, the following facilities on an annual basis (July – June):

- 50% of all secure facilities (lockups) holding both juveniles and adults;
- 75% of juvenile detention centers, to include any secure residential treatment facilities for juveniles that fall under JJDP Act monitoring;
- 35% of non-secure law enforcement agency facilities will have a site visit each federal fiscal year, with a goal of visiting all facilities within a 3-year period;
- 10% of adult jails; and,
- 10% of juvenile correctional facilities.

Data Collection and Verification

The data collection process is crucial to establishing Arizona's compliance with the core requirements. Therefore, reporting forms that ask the right questions and log sheets and/or reports used to complete them must collect the necessary information.

Facilities in the Compliance Monitoring Universe report based upon their classification. Variables that affect the type of reporting necessary include whether the facility is secure or non-secure, whether temporary detention takes place at the facility, and whether or not facility policy and procedures allow for the temporary holding of juveniles within an area classified as secure.

Described below are the reporting requirements for the various types of facilities within the Compliance Monitoring Universe.

Type of Facility	Type of Reporting Necessary	Frequency of Reporting
Non-secure	Exemption Certification Form	Annually
Secure Adult Only	Exemption Certification Form	Annually
Secure No Temporary Detention	Exemption Certification Form	Annually
Secure Court Holding	Exemption Certification Form	Annually
Secure Juvenile Correctional Facility	Exemption Certification Form	Annually
Secure Adult Jail or Lockup Holding both Juveniles and Adults	Reporting Form	Monthly
Secure Juvenile Detention Facilities	Reporting Form	Monthly

Facilities reporting data on a monthly basis complete a reporting form, describing any violations that have occurred during the reporting period and also send a copy of the tracking log used to determine compliance. Sending of the data log allows the Governor's Division for Children to review data to ensure accuracy at regular intervals, rather than sporadically or even annually at site visits.

Role of the State Advisory Group in Monitoring Compliance

The Arizona Juvenile Justice Commission, Arizona's State Advisory Group, reviews compliance issues on a regular basis through the Compliance/Legislative subcommittee. The Committee is apprised of various issues affecting compliance status around the state, and advised of completed and pending site visits. The Arizona Juvenile Justice Commission members are also advised of all compliance monitoring site visits and invited to attend.

Legislative and Administrative Procedures Regarding Compliance Violations

Specific mechanisms for enforcing State law are not in place in the Governor's Division for Children, as it does not serve as an enforcement agency.

However, the Governor's Division for Children does work with local communities who are receiving Formula Grant dollars to develop a community compliance plan. By doing so, this enhances community awareness of compliance status and fosters partnerships in how best to address a community's compliance needs.

The JJDP Act funding may be withheld from a community that is not in compliance with any one of the core requirements. Communities are not permitted to apply for Title V funds if a finding of non-compliance is rendered. In addition, compliance plans are required for those communities that are in the de minimus range. The concept of requiring compliance plans for communities that are in receipt of other JJDP Act funding is currently being explored.

In addition, when an agency reports a violation, immediate follow-up is conducted to determine the circumstances surrounding the violation, perform any necessary follow-up activities, and remind officials of the federal regulations, and that awarded funding may be jeopardized.

Finally, if an agency or community is having numerous compliance issues, specific regional training may be provided; a referral to the local County or City Attorney's office may also be suggested if violations reported are also violations of Arizona State Law.

Barriers to Implementing and Maintaining a Monitoring System

Barrier	Possible Courses to Overcome	Resources
➤ The number of facilities included in the compliance monitoring universe continues to expand dramatically, paralleling state growth	➤ Continue conducting regular site visits and include dialogue regarding substations and department policies that allow temporary holding at alternate locations	➤ JJDP Title II funds used to support compliance monitoring activities

Positives in Addressing Compliance Monitoring Arizona

- Relationship with facilities that fall under the compliance monitoring universe is very cooperative.
- Many local law enforcement agencies have implemented department policies and procedures that either reference the JJDP Act or are in accordance with its core requirements.
- Facilities maintain adequate record-keeping systems regarding juveniles temporarily held in the facility.
- Departments are open to suggestions to revise policy and practice to avoid violations of the core requirements.
- Arizona's State Advisory Group, the Arizona Juvenile Justice Commission, continually recognizes the importance of compliance monitoring activities and dedicates JJDP Act funding to programs that will assist in achieving compliance.